

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

VICTOR GARCIA,

Plaintiff,

vs.

Case No. 20-cv-601 DHU/KRS

ALBERT SENA, et al.,

Defendants.

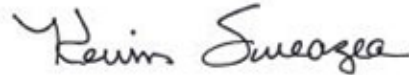
ORDER GRANTING MOTION FOR EXTENSION OF TIME
TO FILE *MARTINEZ* REPORT

THIS MATTER is before the Court on Defendants' Motion for Extension of Time to File *Martinez* Report, (Doc. 80), filed July 26, 2022. Defendants ask for a 15-day extension of their deadline to file a *Martinez* Report due to the scope of Plaintiff's claims and volume of relevant documents. Having considered the motion and record of the case, the Court finds the Motion for Extension of Time is well-taken and shall be GRANTED. The parties are reminded that the Court may use a *Martinez* Report in a variety of contexts, including to decide motions for summary judgment or to sua sponte enter summary judgment. *See Hall v. Bellmon*, 935 F.2d 1106, 1111-12 (10th Cir. 1991); *Celotex Corp. v. Catrett*, 477 U.S. 317, 326 (1986). When a *Martinez* Report is used for summary judgment purposes, a pro se plaintiff must be afforded an opportunity to present conflicting evidence to controvert the facts set out in the report. *Hall*, 935 F.2d at 1109. To that end, Defendants should submit all materials they consider relevant to Plaintiff's claims and defenses. Plaintiff shall do the same in his response.

IT IS THEREFORE ORDERED that Defendants' Motion for Extension of Time to File *Martinez* Report, (Doc. 80), is GRANTED. Defendants' *Martinez* Report is due by

August 10, 2022. Plaintiff's response to the facts contained in the *Martinez* Report is due by **September 12, 2022**, and Defendants' reply, if any, is due by **October 12, 2022**.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, flowing style. The first name "Kevin" is written in a smaller, more compact script, while the last name "Sweazea" is written in a larger, more expansive script with a long, sweeping tail on the final letter.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE